

U.S. Application No. 09/506,808

REMARKS**RECEIVED
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The Applicants' representative thanks the Examiner for the courtesies extended during the telephone interview of February 15, 2007. The above amendments are proposed to address comments made by the Examiner during the interview.

In particular, during the interview, the Applicants' representative emphasized the view that the patent to Fisher does not determine a "competitive state" as claimed, or make judgments based on such a determination, but instead teaches to take proxy bids and increase them as needed until all are finally "successful" or "unsuccessful", where "success" is determined by whether the bid is higher than a preset minimum and can be satisfied as to quantity. Fisher orders the successful bids by amount and then, starting with the highest bid, awards the item requested until all are awarded. By Fisher's teachings, it seems that a proxy bidder may have a "successful" bid but still fail by being too low upon reaching success (even though the proxy may not be fully raised). Indeed, it does not even seem that Fisher discloses or employs a "current auction price" as claimed. Thus, the Applicants submit that the claims are patentably distinguishable from Fisher.

At the Examiner's kind suggestion, the independent claims have been amended to clarify the "if" limitations, and to define more particularly the competitive state. The Applicants' representative requests a telephone call if the amendments are not in line with the Examiner's suggestions.

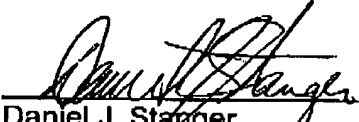
To the extent necessary, the Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to

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the deposit account of Mattingly, Stanger, Malur & Brundidge, P.C., Deposit Account No. 50-1417 (referencing attorney docket no. ASA-672-02).

Respectfully submitted,

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